1946

File No. O. Societies Registration/46
Legal Department
A **BRANCH**

Subject:— Opinions under the Societies Registration Act, 1860.

(175/2)

File No. O. Societies Registration/46

Gen. 194's.

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C O N T E N T S.

Legal Department File No. O. Societies Registration /46.

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Office of the R.L.A.

The question referred to the R.L.A. for consideration is whether the aims and objects of the Navjivan Sangh fall within the scope of the Societies Registration Act, 1860.

The object of the Bmmit Societies Registration Act, 1860 as stated in its preamble is to provide for improving the legal condition of Societies for the promotion of literature, science, or the fine arts or for the diffusion of useful knowledge, the diffusion of political education or for, charitable purposes. The expression "charitable purpose" has acquired a technical meaning in the Bombay Presidency and it includes all purposes within the meaning of statute 43 Eliz. C. 4(16 Bom. 217). In the preamble to the statute of Elizabeth the following charitable objects are enumerated:-

> "The relief of aged, impotent, and poor people; the maintenance of sick and maimed shldiers and mariners, schools of learning, free mmmx schools and scholars of universities; a the repair of bridges, ports havens, causeways, churches, sea-banks and highways; the education and preferment of mmk orphans; the relief, stock or maintenance for houses of correction; marriages of poor maids; supportation, aid, and help of yong tradesman, handicrafts-men and persons decayed, a the relief or redemption of prisihners or captives; and the aid or case of any poor inhmb inhabitants concerning payment of fifteens, setting out m of soldiers and other taxes. "

The purposes which have been held charitable within the language or spirit of this preamble may be grouped under four heads;

(1) the relief poverty; (2) education; (3) the advancement of religion; (4) other purposes beneficial to the community not falling under any of the preceding heads (see Tudor on charities p. 8).

The aims and objects of the "Navjivan Sangh" as stated in cl ause 2 of its Memorandum are as follows:-

(a) Through village and home industries (by hand processing) through the manufacture and distribution of hand-made products and the encouragement and improvement of all processes incidental thereto to give relief to the poor

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providing them with whole time or part time employment;

(b) to secure for the workers engaged in such ~~industry~~ industry (as far as possible) a living wage;

(c) to provide village artisans with insurance and security against unemployment, aparticularly in times of famine, failure of crops and natural ~~at~~ calamities;

(d) generally and incidentally to provide village artisans with educational, medical and other facilities;

(e) to open, establish or give aid to institutions for giving instructions and carrying on research in processes and implements involved in the manufacture of articles through village and home industries;

(f) to engage in such other activities as may be germane to the objects aforesaid.

Clause 3 provides that with a view to carry out the aforesaid aims and objects the Association will undertake necessary activities inter alia by opening offices, shops and conducting and managing institutions either in the City of Bombay or elsewhere and will ~~amply~~ employ assistants or paid workers.

In short "Navjivan Sangh" aims at the economic amelioration of the village artisans through village and home industries. Consequently "Navjivan Sangh" provides for charitable purposes within the meaning of the Societies Registration Act, 1860 and there is no legal objection to its registration under that Act.

O.C. Sd/-P.N.Moos
11-9-46

Remembrancer of Legal Affairs.

U.B.R. to F.D.No. 6243. dated the 13th September 1946.

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It may be pointed out that it is not known whether the Bombay Presidency ~~Maternity~~ Infant Welfare Society has also determined to dissolve itself and if so, whether it has applied for Government sanction.

If, however, the object underlying is to amalgamate this Society with the Bombay mofussil maternity, child Welfare and Health council under the name "The Bombay Mothers and Children Welfare Society", the procedure prescribed in section 12 of the Societies Registration Act 1860 will have to be followed, and the question of dissolution under section 13 will not arise.

General Department should, therefore, verify whether the Societies are to be dissolved and then formed into a new Society or whether they are to be amalgamated into one Society. In the absence of proper information no definite opinion can be expressed.

Sd/-P.M.Dad
16-11-49

O.C. Remembrancer of Legal Affairs.

U.R. to G.D.No. 8132, dated the 18th November 1946.

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R.I.No. 11726 dated 23-12-1946.

This pertains to the proposed dissolution of the Bombay Mofussil Maternity and Child Welfare and Health Council a society registered under the Societies Registration Act, 1860. The under Secretary of the Council had stated in his letter at pp. 1-5 ante that in order to bring about better co-operation it was proposed to amalgamate the said Council with the Bombay Presidency Infant Welfare Society which was also working for the promotion of the welfare of women and children. The Council had however applied for consent of Govt. for its dissolution as required by section 13 of the Societies Registr ation Act. As it was not clear whether the two societies desired to ~~xx~~ amalgamate or to dissolve, the G.D. was asked in this office u.r. No. 8132, dated 18-11-1946 to ascertain it (p. 23 ante). The G.D. accordingly wrote to the Hon. Secy. of the Council to follow the procedure about amalgamation as prescribed by section 12 of the Act. The Secy. of the Council however has written in reply saying that the procedure of amalgamation under section 12 will be a laborious one and that the Council proposes to dissolve and has applied for the consent of Govt. under section 13 . The R.L.A. is requested to advise again in the matter.

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There appears no objection to Government consenting to the dissolution of the Bombay Mofussil Maternity Child Welfare and Health Council under the second proviso to section 13 of the Societies Registration Act. 1860.

Sd/-D.V.Vyas

O.C. Remembrancer of Legal Affairs.

U.R. to G.D.,No. 9513. dated the 30th December 1946.

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